IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSEPH and JOSEPHINE A.,
by their next friend,
CORRINE WOLFE, et al.,

Plaintiffs,

vs.

THE NEW MEXICO
DEPARTMENT OF
HUMAN SERVICES, et al.,

Defendants.

CIV 80-623 JB/WWD

(Filed June 30, 1994)

ORDER

THIS MATTER comes before the Court on Defendants' Motion To Affirm Reports of the Special Master Filed April 30, 1993 and June 6, 1989, filed herein on May 10, 1993, and upon the September 13, 1993 Report of The Special Master as well as Plaintiffs' May 17, 1993 Amended Motion To Enforce Consent Decree, To Hold Defendants In Contempt For Noncompliance And To Appoint An Expert Monitor and Plaintiffs' Motion To Reconsider the Court's Order of September 14, 1993. The Court, having reviewed the submissions and memoranda of the parties in relation to these matters and being otherwise fully advised in the premises FINDS:

1. On April 30, 1993 the Special Master filed his Report finding Defendants in substantial compliance with the consent decree for a continuous period of twelve months and recommending termination of the consent decree.

2. On September 14, 1993 this Court entered an Order adopting the findings of fact contained in the Special Master's Report of April 30, 1993 and further ordered that the consent decree be terminated with the effective date to be determined after the details of case administration presently before the Court have been addressed.

3. On May 10, 1993 Defendants filed a Motion to Affirm the Reports of The Special Master filed April 30, 1993 and June 6, 1989. Defendants' Motion should be granted.

4. Subsequent to the filing of the Special Master's Report of April 30, 1993 and subsequent to the filing of Defendants' May 10, 1993 Motion to Affirm, the parties filed additional motions, including Plaintiffs' Objection to the Special Master's Report of April 30, 1993. With the exception of Plaintiffs' October 20, 1993 Motion for Fees, Expenses and Costs for July, August and through September 14, 1993, these motions and Plaintiffs' objections to the Special Master's Report should be denied.

5. On September 13, 1992 the Special Master filed a Report which recommended that the Court deny Defendants' Motion for a Stay of Proceeding, filed May 18, 1993; Plaintiffs' Motion for Production, filed May 18, 1993; and, Plaintiffs' Motion for Appointment of Expert Monitor, filed July 9, 1993. The Court hereby adopts the findings and recommendations of the Special Master and those motions should be denied.

6. Plaintiffs' Motion to Reconsider the Court's Order of September 14, 1993, filed herein on or about September 29, 1993, should be denied.

WHEREFORE,

IT IS ORDERED, ADJUDGED AND DECREED that Defendants' May 10, 1993 Motion to Affirm the Reports of The Special Master filed April 30, 1993 and June 6, 1989 shall be, and hereby is, granted.

IT IS FURTHER ORDERED that, with the exception of Plaintiffs' October 20, 1993 Motion for Fees, Expenses and Costs for July, August and through September 14, 1993, all other motions and objections filed by the parties subsequent to May 10, 1993 shall be, and hereby are, denied.

IT IS FURTHER ORDERED that the Clerk of the United States District Court for the District of New Mexico shall be, and hereby is, authorized and directed to disburse to the Special Master any and all sums of money on deposit in the account created to secure payment of the Special Master's fees, and that said account be closed. All sums of money, if any, on account in excess of the Special Master's fees shall be refunded to Defendants. If the Special Master's fees for services exceed the balance of funds on deposit, the Special Master will apply directly to Defendants for payment and Defendants shall pay the Special Master.

IT IS FURTHER ORDERED that Defendants shall be, and hereby are, authorized to terminate the contract between Defendants and the Compliance Monitor.

IT IS FURTHER ORDERED that pursuant to the term so set forth in XII (e) of the Consent Decree, the Consent Decree shall be and hereby is, terminated.

/s/ Juan G. Burciaga
JUAN G. BURCIAGA
CHIEF JUDGE

Approved as to form:

MARCIA LOWRY
ANNE MURDAUGH
Attorneys for Plaintiffs

Prepared and Approved by:

TOM UDALL
ATTORNEY GENERAL
STATE OF NEW MEXICO

By /s/ Stevan Douglas Looney
for ROBERT TABOR BOOMS
ROBYN HOFFMAN
Attorneys for Defendants

CRIDER, CALVERT & BINGHAM, P.C.

By /s/ Stevan Douglas Looney
STEVAN DOUGLAS LOONEY
Attorneys for Defendants